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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (PSG)

**ALMERO TH DECLARATION IN
SUPPORT OF CISCO SYSTEMS, INC.'S
OPPOSITION TO MOTION TO COMPEL**

Date: July 13, 2016
Time: 1:00 p.m.
Dept.: Courtroom 7, 4th Floor
Judge: Hon. Nathanael Cousins

1 1. I have been retained by counsel for Cisco Systems, Inc. (“Cisco”) as an expert in
2 this litigation to provide opinions regarding Cisco’s copyrighted works and the infringement of
3 certain Cisco copyrights by Arista Networks, Inc. (“Arista”).

4 2. I am currently a Professor in the Department of Computer Science at the University
5 of California in Santa Barbara where my main research interests include computer networks and
6 protocols, wireless networking, multicast communication, large-scale multimedia systems, and
7 mobile applications.

8 3. I am paid my customary rate of \$600 an hour for time spent on this matter. I am
9 reimbursed for incurred expenses. I have not received, and do not expect to receive, any
10 additional compensation for my work on this action, and payment of my fees is in no way
11 contingent upon the outcome of this case, the outcome of my investigation, or the opinions that I
12 provide.

13 4. I have analyzed Arista’s user manuals for all versions of EOS at issue in this case.
14 What my analysis shows is that up to 67% of early versions of Arista EOS (as reflected in Arista’s
15 user manuals) were comprised of commands copied from Cisco and that, as Arista added more
16 commands overtime, that percentage gradually decreases to 37.6% in the most recent version
17 analyzed:

EOS Version	Number of Copied Commands In Arista's User Manuals ¹	Total Commands in Arista Manual	Total Command % Between Second and Third Column
4.0.1	101	189	53.4%
4.4.0	167	308	54.2%
4.6.2	126	188	67.0%
4.10.0	353	674	52.4%
4.11.1.2	431	853	50.5%
4.11.2.1	445	890	50.0%
4.12.4	472	1084	43.5%
4.13.6F	508	1263	40.2%
4.13.7M	508	1281	39.7%
4.14.3F	508	1327	38.3%
4.14.5F	507	1341	37.8%
4.14.6M	507	1339	37.9%
4.15.0F	456	1368	33.3%
4.15.3F	508	1352	37.6%

5. This analysis is based on analyzing the manuals that Arista provides to its customers in order to teach them how use Arista's EOS CLI. And, as a result, it is reasonable to assume that Arista has included the most relevant command expressions in the user manuals so that its customers can utilize its products in a manner that Arista intended. Accordingly, in my opinion, analyzing the command expressions copied into Arista's manuals captures a good snapshot of just how substantial Arista's copying of Cisco's command expressions has been over time.

¹ To the extent this may not reflect 100% of the commands that Arista copied, but in some cases the copying shown is close to 100% (508/509), that is only because either Arista did not list the command in its manual for a particular version or because for certain commands Arista copied the same command for two different protocols but listed it once (*e.g.*, OSPFv2 and OSPFv3).

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2 I certify under penalty of perjury that the foregoing is true and correct.
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5 By: Kevin C. Almeroth
6 Dr. Kevin C. Almeroth
7 June 16, 2016
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